

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of:	)	
	)	
Carriage Complaint Against	)	
	)	
Armstrong Utilities, Inc.	)	Docket No. 12-364
	)	File No. CSR-8752-M
by	)	
	)	
Western Pacific Broadcast, LLC	)	
	)	
With Respect to Carriage Within the	)	
Philadelphia, PA Designated Market Area,	)	
of Local Commercial Television Station WACP,	)	
Licensed to Atlantic City, New Jersey	)	
Directed to: The Chief, Media Bureau		

**MOTION FOR EXTENSION OF TIME TO REPLY TO  
OPPOSITION TO  
PETITION FOR SPECIAL RELIEF  
BY ORDER OF CARRIAGE**

Western Pacific Broadcast, LLC (“Western Pacific”), pursuant to Rule 1.46, hereby respectfully requests that the Bureau grant Western Pacific an extension ending on September 30, 2013, in which to file its reply to the opposition submitted by Armstrong Utilities, Inc. (“Armstrong”), as supplemented by Armstrong on June 28, 2013, (collectively the “Opposition”) to Western Pacific’s above-captioned petition for an order requiring Armstrong to carry local commercial television station WACP in accordance with the Commission’s must carry rules and policies on Armstrong’s cable system(s) within the Philadelphia, PA designated market area for the remaining duration of the current must carry election cycle, expiring December 31, 2014.

The Opposition alleges that that Armstrong does not receive a good quality signal at Armstrong's principal headend. Western Pacific's consulting engineer and Armstrong's engineer have had discussions concerning the signal strength. And, at the expense of Western Pacific, equipment (filter and preamp) was installed to overcome any concern with signal deficiency issues. Armstrong was willing to permit installation of the equipment and tests. The equipment was installed and tests made, but the engineers will need additional time to conduct further tests as Western Pacific is in the final stage of replacing the exciter/modulator in the WACP transmitter as that equipment was unstable. We have been advised by the manufacturer that it expects to complete the installation and final testing by September 7. The installation of the new exciter/modulator equipment is expected to resolve the concerns as to signal quality. The need for new exiters/modulation equipment became apparent after earlier joint tests made by the parties on April 19, 2013, after addition of the preamp and filer at the Armstrong headend. As communications between the parties reflect (see attached email), WACP's consulting engineer reported that the results of the April 19 tests were good, but in the weeks thereafter, Armstrong's engineer made new tests and reported signal and picture quality issues.<sup>1</sup> In investigating possible causes for differences in test results, WACP's engineers and technical staff concluded that unreliable operation of the exciters/modulation equipment was likely the cause. Accordingly, WACP purchased new equipment and the manufacturer has endeavored to install proper operating equipment and complete the installation. If this new WACP equipment along with the filter/preamp function as Western Pacific believes it will, new tests could resolve the controversy between Western Pacific and Armstrong, without the need for the Bureau to dedicate

<sup>1</sup> Armstrong made this allegation in a "Supplemental Opposition" in this Docket, filed on June 28, 2013. This request for an extension of time to respond also applied to that Supplemental Opposition.


its resources to the consideration of the pleadings and the development of an order to formally resolve this dispute. Moreover, the grant of this motion could only harm the movant, Western Pacific, who is the party requesting action by the Bureau, and is for a very short duration. For these reasons, the grant of this motion would be in the public interest. Counsel for Armstrong has been advised of Western Pacific's intention to file this motion.

**WHEREFORE**, the foregoing premises considered, Western Pacific Broadcast, LLC hereby respectfully requests that the Bureau grant the additional time requested for Western Pacific Broadcast, LLC to submit its reply in the above-captioned matter.

Respectfully submitted,

WESTERN PACIFIC BROADCAST LLC

By: \_\_\_\_\_

  
M. Scott Johnson  
Thomas J. Dougherty, Jr.  
Its Counsel

FLETCHER, HEALD & HILDRETH, PLC  
1300 North 17<sup>th</sup> Street, Suite 1100  
Arlington, VA 22209  
(703) 812-0400

August 30, 2013

## Tom J. Dougherty

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**From:** Scott Johnson  
**Sent:** Friday, August 30, 2013 11:39 AM  
**To:** Tom J. Dougherty  
**Subject:** Re: WACP

On May 8, 2013, at 12:30 PM, Todd Loney <[tloney@ieee.org](mailto:tloney@ieee.org)> wrote:

Hello Ed

Thank you for your response yesterday. I reviewed your email and the pictures. As you know, the pictures are inconsistent with the tests we made on April 17 at the headend and visual pictures displayed. You recall on April 17<sup>th</sup>, the signal was measured without the filter and preamp, then with the filter, and again with both the filter & preamp. A robust signal was evident and the picture quality was fine. I remember you expressed surprise as to the signal level even without the filter & preamp. Given our experience on April 17, as you can imagine, I was quite surprised to see the poor signal quality in the pictures you sent yesterday. Were those pictures taken on the same monitor we looked at on April 17? Also, what date and what time were they taken and when did problems start to appear? I can check to see if something was going on at WACP affecting the signal at whatever date/time you made those pictures. Also, in the pictures, I see a STB underneath and don't recall seeing that in April. Let me know. Lastly, in April, you mentioned that you would do a 24hr test with your IneoQuest Cricket after getting programming information from WACP, may I see the results of that test? As soon as I receive the various information mentioned above from you, I will be back in touch as soon as possible.

Thanks again,

Todd

On 2013-05-07, at 12:34 PM, "Hassler, Ed Jr." <[ehassler@agoc.com](mailto:ehassler@agoc.com)> wrote:

Hi Todd,

The big problem continues to be the station's picture quality – tiling, freezing and audio drops with the bandpass filter and preamplifier you provided installed.(See screen shots.) I can not imagine that the station would want such a poor picture quality distributed, and we certainly do not want to launch a signal with such poor picture quality. I understand the must carry regulations and cases do address this issue.

Sincerely,  
Ed

Edgar E. Hassler, Jr.  
V.P. Engineering  
Armstrong Utilities, Inc.  
One Armstrong Place  
Butler, PA 16001  
724-283-0925

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<DSC02026.JPG>

**From:** "Hassler, Ed Jr." <[ehassler@agoc.com](mailto:ehassler@agoc.com)>  
**Date:** August 20, 2013, 2:13:08 PM EDT  
**To:** "'[gregorykraft@wpbroadcast.com](mailto:gregorykraft@wpbroadcast.com)'" <[gregorykraft@wpbroadcast.com](mailto:gregorykraft@wpbroadcast.com)>  
**Cc:** "'[slupia@rtowers.com](mailto:slupia@rtowers.com)'" <[slupia@rtowers.com](mailto:slupia@rtowers.com)>, "'[kbusselman@rtowers.com](mailto:kbusselman@rtowers.com)'" <[kbusselman@rtowers.com](mailto:kbusselman@rtowers.com)>, "'[kevinokane@wpbroadcast.com](mailto:kevinokane@wpbroadcast.com)'" <[kevinokane@wpbroadcast.com](mailto:kevinokane@wpbroadcast.com)>, "'[cccinnamon@cm-chi.co](mailto:cccinnamon@cm-chi.co)'" <[cccinnamon@cm-chi.co](mailto:cccinnamon@cm-chi.co)>  
**Subject:** Re: WACP test with new exciters

Greg:

I am out of the office on vacation this week. My travel plans for next week have been made and I will be traveling returning the following Monday. I will contact you when I return.

Edgar E Hassler, Jr  
VP Engineering  
Armstrong Utilities, Inc  
One Armstrong Place  
Butler, PA 16001  
724-283-0925

**From:** Gregory R. Kraft [<mailto:gregorykraft@wpbroadcast.com>]  
**Sent:** Tuesday, August 20, 2013 12:18 PM  
**To:** Hassler, Ed Jr.  
**Cc:** Sue Lupia <[slupia@rtowers.com](mailto:slupia@rtowers.com)>; Kevin Busselman <[kbusselman@rtowers.com](mailto:kbusselman@rtowers.com)>; Kevin O'Kane <[kevinokane@wpbroadcast.com](mailto:kevinokane@wpbroadcast.com)>  
**Subject:** WACP test with new exciters

Edgar –

I am writing to you because we will be finishing up the installation of our new exciters this week and would like to schedule a signal test at your facility for Tues 8/27.

I believe you still have a channel 4 filter and preamp that was left on site to perform the most recent test of our signal level?

I appreciate you accommodating this test next Tues 8/27/2013.

Please write me back with a time of day and your exact location. I will travel to your location to observe the test along with a colleague of mine.

Regards

-Greg Kraft  
Chief Engineer – WACP TV  
201.704.2338

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**CERTIFICATE OF SERVICE**

I, Michelle Brown Johnson, hereby certify that on this 30th day of August, 2013, I caused a copy of the foregoing "Motion for Extension of Time to Reply to Opposition to Petition for Special Relief by Order of Carriage" to be served via U.S. mail, postage prepaid, and email upon the following entity:

Christopher C. Cinnamon, Esq.  
Cinnamon Mueller  
307 N. Michigan Ave., Suite 1020  
Chicago, IL 60601

cccinnamon@cm-chi.com

  
Michelle Brown Johnson